

REMARKS

In response to the Restriction Requirement, Applicants have elected the claims of Group I and the viral antigen, $X_1X_2 = GT$, $X_3X_4 = TT$, and emulsion based formulations for examination with traverse.

The election is made with traverse because the Restriction Requirement did not specify that the groups of antigens, sequence and depot formulations were species. It is Applicants understanding that upon search and examination of a generic claim of Group I with respect to the elected species and upon allowance of a generic claim, Applicants will be entitled to consideration of the claims to additional species which are written in dependent form or otherwise include all of the limitations in the allowed generic claim.

The type of antigen should be considered as a species/genus. The invention of Group I is directed to a method of inducing an immune response by administering a CpG oligonucleotide and a non-nucleic acid adjuvant. The combination of components produce an immune response. Each type of antigen would be useful in the methods.

Additionally, the CpG oligonucleotides share a common structural motif, similar to a chemical structure. This class of oligonucleotides should be treated as a species/genus rather than as completely separate and distinct nucleic acid sequences.

The type of depot effect adjuvant should also be considered as a species/genus. The adjuvants that have a depot effect fall within a group having specific functional attributes.

Applicants also traverse the restriction of Group IV and V. Groups IV and V include claims that depend from claim 1. The claims limit the type of non-nucleic acid adjuvant that is used in the method of claim 1. These types of adjuvant will fall within one of groups I-III.

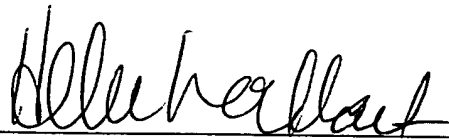
The conclusion that these are separate inventions does not make any sense.

Applicants expressly reserve the right to file one or more divisional applications on the subject matter of the non-elected claims. If the Examiner has any questions or comments, he is encouraged to contact the Applicants' representative at the number listed below.

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Respectfully submitted,
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